

EDWIN WAYNE JOYCE, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:22-cv-967  
 )  
 UNIDENTIFIED DEFENDANTS, )  
 )  
 Defendant(s) . )

This matter is before this court for review of the Order and Recommendation ("Recommendation") filed on November 28, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) In the Recommendation, the Magistrate Judge recommends that this action be construed as a civil rights action pursuant to 42 U.S.C. § 1983 and dismissed sua sponte without prejudice to Plaintiff filing a new action which corrects the defects of the current Complaint. (Id.) The Recommendation was served on the Petitioner on November 28, 2022. (Doc. 3.) Plaintiff filed Objections, which he then supplemented, to the Recommendation. (Docs. 4, 5.)

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or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.


This court has appropriately reviewed the Recommendation as well as Plaintiff's Objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED**.

**IT IS FURTHER ORDERED** that this action be filed, and is hereby, **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing a new action, on the proper forms, which corrects the defects the Recommendation identified.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 14th day of February, 2023.

  
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United States District Judge